

Meeting Minutes
January 8, 2019 Planning Board Meeting
7:00 P.M. | Engineering Conference Room, Woburn City Hall

Chair Dave Edmonds called the meeting to order at 7:00 pm and asked City Planner/Grant Writer Dan Orr to call the roll.

Mr. Bob Doherty, Ms. Claudia Bolgen, Mr. Jim Callahan, Mr. Michael Ventresca, Ms. Carolyn Turner and Chair Dave Edmonds were present; Mr. Kevin Donovan was absent. Also present were Planning Director Tina Cassidy, City Planner/Grant Writer Dan Orr and Planner Karen Smith.

Edmonds stated that this meeting is being recorded by audio only.

Edmonds asked if there are any Approval Not Required (ANR) applications before the Board this evening. Cassidy responded that there are none.

PROPOSED ZONING TEXT AMENDMENTS TO AMEND SECTION 5.1 TABLE OF USE REGULATIONS BY (1) RENUMBERING SECTIONS 5.1.80A, 80B AND 80C AS SECTIONS 5.1.81A, 81B AND 81C; AND (2) REVISING NOTE 19 TO READ “19. ALL WIRELESS COMMUNICATIONS LINKS LOCATED ON MUNICIPALLY OWNED PROPERTY AND STRUCTURES, INCLUDING MONOPOLES SHALL REQUIRE A SPECIAL PERMIT “P”. ALSO, THE COMMERCIAL USE OF WIRELESS COMMUNICATIONS LINKS IN RESIDENTIALLY ZONED DISTRICTS (R-1, R-2, R-3, R-4 AND S-1) IS PROHIBITED” (Aldermen Anderson and Higgins)

Cassidy stated the purpose of the proposed amendment is to correct an existing numbering issue within the Woburn Zoning Ordinances and to provide clarity with regard to the prohibition of commercial wireless communications links on non-conforming, residentially-zoned properties in five zoning districts (currently, the ordinance references such a prohibition in conforming residentially-zoned properties).

Cassidy stated that the Planning office has been contacted by an attorney who had intended to submit an application for a commercial wireless link on a non-conforming, residentially-zoned property, which application would be precluded if the proposed amendment is adopted. He raised a couple of questions relative to impacts if such a use was shielded within an existing church spire or within a building’s attic, in addition to how much of the city’s land area would be affected by the expanded prohibition.

Cassidy further stated that her hope is to have additional time to raise these questions to the City Solicitor as to provide more background on the potential legal implications of the proposed zoning amendment to the Board.

Ventresca asked about any timeline associated with issuing a recommendation to the Council. Cassidy stated that there is no deadline for Board action on this matter until the public hearing is closed (21 day deadline after that), and it does not appear that any harm is being incurred by any proponent of such use by continuing discussion.

Ventresca stated that it may be helpful to speak with City employee Sheila McElhiney, who formerly worked as outside legal counsel on this specific issue, although it may not have been for Woburn. He also asked about the building code considerations for incorporating a telecommunications device within a church spire. Cassidy responded that she would contact Ms. McElhiney and Building Commissioner Quinn on these topics and follow up by the next meeting.

Turner stated that she also recollected that Ms. McElhiney completed a significant amount of research relative to how wireless communication links were permitted in the Town of Winchester. She would also support a formal communication to the City Solicitor to clarify legal implications, if any resulting from the proposed zoning amendment.

Edmonds opened this matter for a public hearing and asked any members of the audience who would like to step forward to address the Board to please do so.

PUBLIC HEARING

No members of the audience stepped forward.

Edmonds asked the Planning Director for her recommendation. Cassidy stated that her recommendation is to continue the public hearing on this matter until the Board's January 22nd meeting, at 7:00 pm.

Motion to continue the public hearing on this matter until the Board's January 22nd meeting, at 7:00 pm, made by Ventresca;
Seconded by Doherty;
Motion carried, 6-0-0.

Motion to send correspondence to the Building Inspector and the City Solicitor, as discussed, made by Bolgen;
Seconded by Ventresca;
Motion carried, 6-0-0.

PROPOSED ZONING TEXT AMENDMENTS TO (1) REVOKE AND DELETE SECTION 5.8 ENTITLED "INTERIM REGULATIONS FOR MEDICAL MARIJUANA TREATMENT CENTERS" AND (2) RENUMBER SECTION 5.9 ENTITLED "MARIJUANA ESTABLISHMENTS FORBIDDEN" AS SECTION 5.8. (Aldermen Anderson and Higgins)

Cassidy provided an overview of the intent of the proposed zoning amendment, which is remove the interim regulations for medical marijuana establishments now that the City has formalized such a use in its zoning code and to renumber the remaining provisions accordingly.

Edmonds opened this matter for a public hearing and asked any members of the audience who would like to step forward to address the Board to please do so.

PUBLIC HEARING

No members of the audience stepped forward.

Doherty moved to close the public hearing;
Seconded by Bolgen;
Motion carried, 6-0-0.

Motion to accept the Planning Director's recommendation to send a favorable recommendation to the City Council to adopt the proposed zoning amendment as written, made by Bolgen;
Seconded by Doherty;
Motion carried, 6-0-0.

PROPOSED MODIFICATION TO THE ALAN R. GERRISH DRIVE (88-92 PEARL ST) DEFINITIVE SUBDIVISION (Cattle Crossing LLC)

Chair Edmonds recused himself for this matter and Planning Director Cassidy assumed the role of Chair pro tem in the absence of Vice Chair Donovan.

Cassidy provided an overview of the request by the developer to continue this matter and the attendant public hearing to the Board's February 12th meeting. Although the developer's representative intended to make the request in person this evening, he verbally indicated to staff earlier in the day that he would like to continue this matter to the above-referenced suggested date.

Ventresca asked if the outstanding documents are affected by the 88-92 Pearl Street subdivision modification request now before the Board. Cassidy responded that the outstanding documents will not be affected materially, only with respect to plan citation references.

Callahan stated that the Board spent a significant amount of time during the hearing considering the drainage conditions of the property and ensuring that the developer is going to provide adequate access to sewer infrastructure and take measures to remove obstructions from the watercourse. Cassidy responded that what was agreed upon by the developer in that regard would be unaffected by the modification request.

Callahan asked about the status of construction on the project. Cassidy responded that the developer's intent is to make progress on site work and road construction during the winter season but is now delayed due to challenging field conditions, resulting in the modification request to alter the course of the sewer line.

Edmonds opened this matter for a public hearing and asked any members of the audience who would like to step forward to address the Board to please do so.

PUBLIC HEARING

No members of the audience stepped forward.

Doherty asked for an explanation of the comments on the modification request found in the memo issued by Public Works Superintendent Duran versus the applicant's rationale. Cassidy responded that it would be prudent for the Board to withhold substantive discussion on the application until the Board's February 12th meeting when the applicant expects to have an engineer present for questioning.

Motion to continue to this matter until the Board's February 12th meeting, at 7:00 pm, made by Bolgen; Seconded by Ventresca, for discussion.

Ventresca asked if he could receive the prior Pearl Street application materials for background, as he did not attend the prior hearings in person. Cassidy responded that staff would certainly follow up with this information.

Motion carried, 5-0-0 (Bolgen, Ventresca, Turner, Doherty, Callahan in favor, no one opposed, Edmonds abstaining).

ALAN R. GERRISH DRIVE (88-92 PEARL ST) SUBDIVISION: REQUEST FOR ACCEPTANCE OF ACCESS AND DRAINAGE EASEMENT DOCUMENTS, O&M PLAN, COVENANT, MEMORANDUM OF UNDERSTANDING, AND HOA DECLARATION AND BYLAWS (Cattle Crossing LLC)

Cassidy stated that because most of the related documents are still under review, she would recommend that the Board defer action on accepted the draft documents until the February 12th meeting, when staff expects that there will be a sufficient amount of time to finalize the drafts and receive executed versions.

Motion to continue this matter until the Board's February 12th meeting, made by Bolgen;

Seconded by Turner;

Motion carried, 5-0-0 (Bolgen, Ventresca, Turner, Doherty, Callahan in favor, no one opposed, Edmonds abstaining).

EAST DEXTER AVENUE SUBDIVISION: REQUEST FOR ACCEPTANCE OF AS-BUILT PLAN (Seaver Construction, Inc.)

Chair Edmonds returned to the meeting and re-assumed the role of Chair.

Cassidy provided an overview of the nature of the request and recommended that action on this matter be continued to a future meeting, due to the fact that the draft easement documents (and accompanying easement plan) submitted have not been finalized and executed.

Cassidy further stated, due to the long-past expiration of the subdivision completion date, her recommendation is to continue discussion of this matter until the Board's February 12th meeting.

Motion to continue consideration of this matter until the Board's February 12th meeting, made by Bolgen;

Seconded by Doherty;

Motion carried, 6-0-0.

BAKER WAY SUBDIVISION: REQUEST TO EXTEND EXPIRED CONSTRUCTION COMPLETION DATE FROM DECEMBER 13, 2018 TO JUNE 30, 2019 (David Baker)

Mr. David Baker, project developer, 4 Washington Avenue, approached the Board to request a 6-month extension of the current subdivision completion date, to June 30, 2019. The primary reason for the delay stems from lack of progress from subcontractors. This is unrelated to natural gas, as he is utilizing propane for the project.

Cassidy stated that this request has been vetted by the Engineering Department and staff comments indicated that the proposed extension is appropriate and realistic given the amount of work remaining.

Callahan asked about the nature work remaining. Baker responded with the list of items left for completion (primarily granite curbing radii, handicap-accessible sidewalk entry, final coat of "hot top" for roadway and berm installation). As for home construction, exterior siding and interior build-out remains.

Cassidy asked about the submission of an As-built plan and recommended that he come to the Planning Office for more information about submission of such a plan well in advance of a new June expiration date.

Cassidy stated that she would recommend an extension of the subdivision construction completion date, to June 30, 2019.

Motion to extend the construction completion date for the Baker Way definitive subdivision construction completion date from December 13, 2018 to June 30, 2019, made by Bolgen;
Seconded by Doherty;
Motion carried, 6-0-0.

FAIRWAY DRIVE (COUNTRY CLUB ESTATES): REQUEST TO UPDATE FORM F (COVENANT OF APPROVAL RELEASE) TO BE RECORDED AT REGISTRY OF DEEDS (Attorney Mark Salvati)

Cassidy provided members with background on the request submitted by Attorney Salvati to rectify a situation where a Covenant of Approval Release form (Form F) from 1997 was never officially recorded. The current request before the Board is to re-authorize a new but identical form so that it can be recorded.

Cassidy stated that, having verified its accuracy, her recommendation to the Board would be to re-authorize the newly-drafted Form F, as submitted.

Motion to execute a duplicate Form F (Covenant of Approval Release) for the Country Club Estates definitive subdivision, as submitted, made by Bolgen;
Seconded by Doherty;
Motion carried, 6-0-0.

RUSSO ESTATES: EXPIRATION OF CONSTRUCTION COMPLETION DATE ON JANUARY 30, 2019 (William Scire)

Mr. William Scire, project developer, approached the Board to provide an overview of progress made on his subdivision since last appearing before the Board. The primary issue resulting in a major project delay is that his project was not serviced by Eversource.

Cassidy stated that the developer has submitted timelines that differentiate between home and roadway construction for the Board's information. The requested extension to the construction completion date is to October 30, 2019.

Scire stated that he had not been able to establish power onsite until late November. His hope is that he is able to make more progress on home foundations, weather permitting, over the next several months. Three houses have been framed at this point, and blasting is entirely complete for all home lots.

Cassidy provided an overview of the Engineering Department's comments on the requested extension and its reservations about the developer meeting the timelines that have been submitted. Instead, Engineering staff has indicated that more periodic updates would be appropriate.

Cassidy stated that, in efforts to maintain better oversight of construction progress, her recommendation to the Board would be to extend the completion date for this subdivision from January 30, 2019 to March 11, 2019; to place the matter of an additional, potential completion date extension on the Board's March 12, 2019 meeting agenda; and to request the developer's attendance at the Board's March 12th meeting for the purpose of updating the Board on progress toward completion of house and roadway construction.

Motion to accept the Planning Director's recommendation, made by Ventresca;
Seconded by Turner;

Motion carried, 6-0-0.

285 LOCUST STREET: REQUEST TO ACCEPT COVENANT AS SURETY AND ENDORSE PLAN OF RECORD (285 Locust LLC)

Cassidy provided an overview of the request from the developer to post an acceptable Covenant for the approved subdivision and to endorse the Plan of Record.

Cassidy stated that, having verified the content and form of the Covenant, she would recommend Board acceptance of the covenant and Plan of Record endorsement at the conclusion of tonight's meeting.

Motion to accept the Covenant as surety for the 285 Locust Street subdivision and to endorse the definitive subdivision Mylar, made by Doherty;
Seconded by Bolgen;

Callahan stated, for discussion, that his concern is with a developer will not following up with construction as intended via standard subdivision approval process.

Callahan further stated that he thinks it is important to hold all developers accountable with regard to the intent of subdivision approval and that they should build out a subdivision as indicated on an approved Plan of Record, being mindful of the timeline indicated at the time of approval. If a subdivision is to take longer than two years to complete, that should be agreed upon at the time of approval.

Ventresca stated that his sense is that the Board is doing a much better job relative to oversight of subdivision completion timelines recently and asked what would happen to the "zoning freeze" in the case of 285 Locust Street, once the completion date expires in two (2) years' time. Cassidy stated that the zoning freeze is actually valid for seven (7) years, although there are other time constraints related to exercising the Special Permit that they have received.

Cassidy stated that the Board has also expressed a desire to be more proactive by setting more realistic completion dates for upcoming subdivisions at the time of application/during the hearing process.

Edmonds asked what the Board is empowered to do in the case of an uncompleted subdivision. Cassidy stated that it is within the Board's authority to seize a posted bond to build-out a planned roadway via bid process through the City.

Callahan stated that he is primarily concerned with ensuring that roadway construction/utility installation is largely done in a timely manner, as that is the most disruptive part of the construction process. This is opposed to prioritizing home construction.

Motion carried, 6-0-0.

300 MISHAWUM ROAD (WOBURN MALL): REQUEST TO ACCEPT COVENANT AS SURETY AND ENDORSE PLAN OF RECORD (Woburn [Edens], LLC)

Turner recused herself from participation in this matter.

Cassidy provided an overview of the request for Board acceptance of the draft, unexecuted Covenant and endorsement of the Plan of Record. The Board may consider two options: plan endorsement, subject to

the Petitioner submitting an executed Covenant in the next several business days, or alternatively defer plan endorsement until its next meeting when the signed Covenant is available.

Bolgen stated that she would support a motion to place this matter on the January 22nd meeting agenda, as she would not be comfortable accepting an unexecuted Covenant.

Motion to continue consideration of this matter until the January 22nd meeting, made by Bolgen;

Seconded by Ventresca;

Motion carried, 5-0-0; Bolgen, Edmonds, Doherty, Callahan and Ventresca in favor, no one in opposition and Turner recusing.

APPROVAL OF MINUTES: November 27, 2018 Planning Board meeting

Turner returned to the meeting.

Motion to accept the November 27, 2018 meeting minutes, as submitted, made by Turner;

Seconded by Bolgen;

Motion carried, 5-0-1, with Doherty abstaining due his absence at the November 27, 2019 meeting.

ANNUAL ELECTION OF PLANNING BOARD CHAIR AND VICE-CHAIR (2019)

Cassidy presides over this portion of the meeting. She explained that it was customary for the Board to hold its annual elections for Chair and Vice-Chair.

She asked if there were any nominations for the role of Chair.

Nominations for Board Chair:

Doherty nominated Edmonds for position of Board Chair;

Seconded by Bolgen.

Cassidy asked if there were any other nominations for Chair. There were not.

Motion to close the nominations for Board Chair, made by Doherty;

Seconded by Bolgen;

Motion carried, 6-0-0.

Roll call vote on the motion to elect Edmonds as Board Chair

Edmonds-Aye

Turner-Aye

Callahan-Aye

Bolgen-Aye

Ventresca-Aye

Doherty-Aye

The nomination carried 6-0.

Next, Cassidy called for nominations for Board Vice Chair:

Callahan nominated Donovan for position of Vice Chair;

Seconded by Bolgen.

Cassidy asked if there were any other nominations for Vice-chair. There were none.

Motion to close the nominations for Vice Chair, made by Doherty:

Seconded by Bolgen;

Motion carried, 6-0-0.

Roll call vote on the motion to elect Donovan as Board Vice Chair

Edmonds-Aye

Turner-Aye

Callahan-Aye

Bolgen-Aye

Ventresca-Aye

Doherty-Aye

The nomination carried 6-0.

Edmonds stated that he is thankful for the public service of his fellow Board members, which is an important function of government.

PLANNING BOARD DIRECTOR UPDATE

Cassidy stated that she has no updates to provide at this point, other than noting the few items that were continued to the January 22nd meeting and discussed this evening.

Edmonds asked if there was any other business for the Board to conduct. There was none.

ADJOURNMENT

Seeing no further business, Bolgen made a motion to adjourn the meeting at 7:58 pm;

Seconded by Doherty;

Motion carried, 6-0-0.

The meeting adjourned at 7:58 pm.

Table of Documents Used and/or Referenced at Meeting

Planning Board Staff Report
Staff Report Attachment: Proposed Order to amend the Section 5.1 Table of Use Regulations (wireless communications) of the Woburn Zoning Ordinance
Staff Report Attachment: Proposed Order to amend Section 5 (marijuana-related establishments) of the Woburn Zoning Ordinance
Staff Report Attachments (Pearl Street modification documents): (1) Request for modification; (2) proposed modified site plan and Plan of Record; and (3) Engineer explanation of modification

Staff Report Attachments (Pearl Street legal documents): (1) Draft O&M Plan; (2) Draft Dust Control Plan; and (3) Department comments
Staff Report Attachment: Copy of Planning Board letter of action to continue discussion on matter of East Dexter Avenue As-built acceptance
Staff Report Attachment: Baker Way extension request letter
Staff Report Attachments (Fairway Drive documents): (1) Attorney Salvati's request letter; (2) original Form F document; and (3) proposed unsigned Form F document
Staff Report Attachment (Russo Estates documents): (1) Extension request letter; (2) Revised timeline document; (3) Former 2/13/2018 dated timeline; and (4) Staff correspondence
Staff Report Attachment: Executed 285 Locust Street Covenant
Staff Report Attachment: Unexecuted 300 Mishawum Road Covenant
Draft Planning Board Meeting Minutes: November 27, 2018 meeting

Respectfully submitted,

Dan Orr

Dan Orr
City Planner/Grant Writer